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Natural Resources Defense Council, Inc.

917 15TH STREET, N.W.
WASHINGTON, D.C. 20005
202 737-5000



Western Office
2345 YALE STREET
PALO ALTO, CALIF. 94306
415 327-1080

April 25, 1979

New York Office
122 EAST 42ND STREET
NEW YORK, N.Y. 10017
212 949-0049

Dr. Joshua Lederberg
The Rockefeller University
66th Street & York Avenue
New York, New York 10021

Dear Dr. Lederberg:

As I promised at the last board meeting, here is a copy of portions of the draft of our friend of the court brief in the OSHA benzene case now before the Supreme Court. So that you can see what we are opposing, I've also enclosed a copy of the lower court opinion; please excuse my notes in the margins.

We would be very grateful for your reactions to the scientific portion of this draft, and of course to the rest as well. I have not yet inserted the footnotes, but rest assured that we have good authority for these points. Suggestions for additional points, criticisms of points made, and additional references are all welcome.

I have not yet written a section discussing weaknesses of formal cost-benefit analysis for making toxic substances control decisions and a section discussing the precautionary policies of the Act and the duties they give the agency to resolve scientific uncertainties in employees' favor. But since time is drawing short (the brief must be completely finished May 4 or 5), I wanted to get your reactions to this part right away.

This draft has not yet been reviewed by Karim Ahmed or other scientists, to whom I am sending copies today too. Thus I ask you to please treat this draft as confidential. I will call you on Monday, April 30. ✓

Thank you for your time and help.

Sincerely,

David Doniger
David D. Doniger
Project Attorney

DDD/jr
Enclosure

He called on 4/26 + would like us to return the call.